

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, March 5, 2014

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Chair Gordon Walker, Commissioner Paxton Guymon, Commissioner Dennis Peters, Commissioner Perry Bolyard, Commissioner James Jones, Commissioner Janet Janke, Commissioner Jeremy Lapin. Commissioner Demma

Excused: Commissioner Lindsay Holt-Tofte

Staff Present: Community and Economic Development Director Brian Berndt, Associate Planner Mike Johnson, Senior Planner Glen Goins, City Attorney Shane Topham

Others Present: Paul Shaw, Brent Howcroft, Nancy Dahill, JoAnn Merrill, Alona Holm, Chris McCandless, Marty Plunkett, Clayton Williamson, Gary McGee, Jill McGee, Scott Sabey, Richard Cole, Tony Coop, Woody Noxon

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Gordon Walker called the meeting to order at 6:00 p.m.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 ACTION ITEMS

3.1 (Project #GPA 14-001) Action on a request from Paul Shaw Building Group for a general plan amendment to the properties at 2489/2495 East Creek Road.

Chair Walker disclosed that he and the applicant, Paul Shaw, are friends. In spite of this, he believes he will be able to render an impartial decision.

Chair Walker confirmed that this item proposes a change in the designation on the land use map from Rural Residential to Low Density Residential.

Commissioner Guymon stated that if the proposed General Plan amendment is approved, the Commission is not committing to any particular density.

Motion: Commissioner Guymon moved to approve Project #GPA 14-001 General Plan Amendment to properties located at 2489/2495 East Creek Road subject to the following:

Findings:

- 1. The General Plan amendment supports and is not in conflict with:***
 - a. Economic sustainability;***
 - b. Efficient use of land, natural resources and public infrastructure;***
 - c. Provision of community amenities and benefits;***
 - d. Protection of environmentally sensitive lands, view sheds and open spaces;***
 - e. Alternative modes of transportation;***
 - f. Safe neighborhoods and protects residential quality of life;***
 - g. Minimal conflicts between adjacent land uses;***
 - h. Consideration of present and future housing needs for a full range of social and economic circumstances of residents; and***
 - i. Recognizes and respects the rights of individual property owners.***
- 2. The required public hearing has been held.***

The motion was seconded by Commissioner Janke. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously.

- 3.2 (Project #ZMA 14-001) Action on a request from Michael Wright, Predico Properties to change the zoning and amend the zoning map from RR-1-21 to Residential Office (RO) on the property located at 7900 South Highland Drive, Cottonwood Heights, Utah, parcel #22-34-102-002**

Motion: Commissioner Lapin moved to approve Project #ZMA 14-001 to change the zoning and amend the zoning map from RR-1-21 to Residential Office (RO) located at 7900 South Highland Drive, Parcel #22-34-102-002 subject to the following:

Findings:

- 1. The zone map/change request conforms to the adopted land use map of the City;***

2. *The required public hearing has been held.*

Commissioner Jones seconded the motion. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously.

3.3 (Project #CU 13-011) Action on a request from Kenny Nichols, Think Architecture, for conditional use approval of the master development plan/site plan (including a public parking garage, an administration or professional office building with a gross floor area greater than 10,000 square feet, and increased height through addition of a third story) for a new mixed use project on 10.89 acres at 7359 South Wasatch Boulevard (south of Fort Union Boulevard).

Chair Walker introduced the request and stated that it is for an administration or professional office building with a gross floor area greater than 10,000 square feet and for a new mixed use project on 10.89 acres.

Chair Walker reported that the document provided with the questions submitted by Mr. Machillis and the responses given by staff will be considered as part of the public hearing. Mr. Machillis had ample opportunity to express his opinions and comments and the written version of those statements were entered into the public record.

Community and Economic Development Director, Brian Berndt, stated that one of the arguments submitted is that the MU zone imposes a limitation of two stories or 35 feet. Mr. Machillis interpreted this to say that a three-story building measuring 30 feet in height would have to be denied, but that a two-story building that measures 35 feet in height, could be approved. Mr. Berndt disagrees with this interpretation.

Commissioner Jones expressed concern regarding traffic issues.

City Attorney, Shane Topham, does not believe this project can be required to mitigate issues that already exist. One purpose of the City's community development participation in the project is to increase public off-street parking. Discussions are underway regarding the amount of public parking available as well as hours of operation.

Chair Walker confirmed that there is a parking issue currently, which is separate and not contingent on approval of the current project. Parking solutions were detailed.

Chris McCandless, from Canyon Centre Capitol LLC, described the landscaping around the building. He stated that once the parking lot is complete the landscaping associated with the parking lot will immediately be completed. Shortly thereafter the park will be landscaped.

Chair Walker reported that the park will be publicly owned and completion is a condition of the tax increment funding. Once the developer completes the park, it will be conveyed to a governmental entity.

Mr. McCandless detailed the financial benefits and penalties regarding completion in a timely manner.

Motion: Commissioner Guymon moved to approve Project #CU 13-011 for conditional use approval of the master development plan/site plan application subject to the following:

Conditions:

SITE DESIGN

- 1. CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform with the conceptual site plan submitted by Canyon Centre Capital, LLC, submitted date November 4, 2013. If there is a conflict between these conditions and the conceptual plan site plan, the staff planner shall determine which document takes precedence. Any proposed significant change to the conceptual site plan, as determined by the staff planner, shall be subject to additional public hearings before the Planning Commission.***

INFRASTRUCTURE AND DEDICATIONS

- 2. CIRCULATION IMPROVEMENTS. Before any certificate of occupancy is issued for the site, the owner shall make the necessary upgrades and provide the following improvements in conformance with city standards and any applicable city codes and policies.***
 - a. Sidewalk improvements shall be constructed.***

Requirements:

APPLICABLE DOCUMENTS AND PLANS:

Stipulations

- 1. Except as required by the City Code, Zoning Regulations, Subdivision Regulations, and the other conditions herein, the site design and construction shall substantially conform to the following documents:***
 - a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by Canyon Centre Capital, LLC. with a staff receipt date of November 4, 2013.***
 - b. The location and configuration of all site improvements shall be constructed to be consistent with the site plan submitted by Canyon Centre Capital, LLC. with a staff receipt date of November 4, 2013.***

- c. *Landscaping, including quantity, size, and location of materials shall be installed to be consistent with the conceptual landscape plan submitted by Canyon Centre Capital, LLC. with a staff receipt date of November 4, 2013.*
- d. *Landscaping will be increased along the southern boundary of the site and in particular, immediately south of the proposed building on lot 5. All new trees shall be of a comparable caliber as the existing trees on the site.*

ARCHITECTURAL DESIGN:

- 2. *All exterior mechanical, utility, and communications equipment shall be screened by wall that matches the architectural color and finish of the building. Wall or parapet height for roof-mounted units shall meet or exceed the height of the tallest unit. Wall height for ground-mounted units shall be a minimum of 1 foot higher than the tallest unit. If the mechanical equipment is roof-mounted, the building(s) will not exceed the height as shown on the building elevations submitted by Canyon Centre Capital, LLC. with a staff receipt date of November 4, 2013.*
- 3. *All exterior conduit and raceways shall be painted to match the building.*
- 4. *No exterior roof ladders shall be allowed where they are visible to the public or from an off-site location.*
- 5. *Roof drainage systems shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design.*
- 6. *Wall enclosures for refuse bins or trash compactors shall be constructed of materials that are compatible with the building(s) on the site in terms of color and texture.*
- 7. *All walls shall match the architectural color, materials and finish of the building(s).*
- 8. *All subsequent applications of new proposals will need to meet Mixed Use development standards separately and shall match the architectural approval in this application.*
- 9. *The face of all service entrances shall be flush with the building façade and painted to match the building.*
- 10. *If any new cell antennae apparatus is proposed it shall be limited in height to the approved buildings onsite and integrated into the building's architecture with color and texture.*

11. *Prior to final plans approval, the applicant shall provide documentation from the utility company approving the location of the proposed transformers. The plans shall reflect the locations and screening required for the mechanical equipment.*
12. *Prior to final plans approval, the applicant shall coordinate the general location and design of the trail connections to the staff planner. Final location and design shall be approved by City staff prior to issuance of the first certificate of occupancy on site.*
13. *The landscape plans shall be revised at time of final plans to meet the requirements of RMP for transformer locations.*
14. *Cut and fill slopes shall be rounded to blend with the existing contours of the adjacent natural grades.*
15. *A master sign program will be submitted and approved by City staff prior to issuance of the first certificate of occupancy on site.*

EXTERIOR LIGHTING DESIGN:

16. *All exterior luminaries shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line except for sign lighting.*
17. *The individual luminaire lamp shall not exceed 250 watts and shall be energy efficient induction type lighting with a color temperature of 2700-3500 K.*
18. *The maximum height from finished graded to the bottom of the any exterior luminaire shall not exceed 16'.*
19. *All exterior light poles, pole fixtures, and yokes shall be a flat black or dark bronze.*
20. *Landscape lighting is not proposed or approved with this application.*
21. *All lighting next to residential uses shall be full-cut-off lighting.*
22. *All signs will be a reverse pan channel (Halo Lit Signs) design to reduce the amount of light spillage to adjacent properties.*
23. *Incorporate into the project's design, the following:*

Parking Lot and Site Lighting:

- a. *The maintained average horizontal luminance level, at grade on the site shall not exceed 20 foot-candles.*

- b. The maintained maximum horizontal luminance level, at grade on the site, shall not exceed 20 foot-candles. All exterior luminaries shall be included in this calculation.*
- c. The initial vertical luminance at 5 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed .8 foot-candles. All exterior luminaries shall be included in this calculation.*

Building Mounted Lighting:

- d. All luminaries shall be recessed or shielded so the light source is not directly visible from property line.*

VEHICULAR AND BICYCLE PARKING:

- 24. Bike rack design shall be in conformance with Cottonwood Heights' standards.*
- 25. Develop pedestrian and bicycle facilities along the entire stretch of the roadway, including access points to connect to bicycle facilities on Racquet Club Drive and Wasatch Blvd.*
- 26. All existing and future pedestrian and bicycle facilities must be ADA compliant.*

DRAINAGE AND FLOOD CONTROL:

- 27. Each subsequent phase must submit storm drain calculations showing conformity with the overall drainage design.*
- 28. Submit a maintenance plan for all existing and any proposed underground storm drain detention systems and treatment systems. The storm water detention and treatment system requires a maintenance plan per the Jordan Valley's municipal permit. As agreed in our meetings, the applicant will have the storm water treatment system located within the public right-of-way on Racquet Club Drive inspected two (2) times per year and clean as needed with a \$1000 perpetual maintenance bond for the cleaning of the treatment system in lieu of locating the facility within the development. The ownership and perpetual maintenance of this facility shall be reflected on the final recorded plat.*
- 29. Manholes shall be installed at the bends on the 24 to 30-inch diameter site storm drain. a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.*

STORM WATER STORAGE ON PAVED SURFACES:

30. *Up to 50% of required storm water storage may be provided in parking areas when the following conditions are met: a. Parking lot storage areas shall be designed so as to minimize interference with pedestrian traffic and be limited to a depth no greater than 12-inches.*

INTERNAL CIRCULATION:

31. *The developer shall provide a minimum parking-aisle width of 24 feet.*
32. *Provide bike parking per– 14 racks = 28 spaces. Show on site plan.*
33. *The developer shall provide internal circulation that accommodates emergency and service vehicles with an outside turning radius of 45 feet and inside turning radius of 25 feet.*
34. *The developer shall design the dead-end parking aisle in general conformance with the included detail:*
35. *Sight distance easements shall be dedicated over sight distance triangles.*
- a. Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2' and 7' in height.*
36. *Indemnity Agreements: a. When substantial improvements or landscaping are proposed within a utility easement, an indemnity agreement shall be required. The agreement shall acknowledge the right of the City to access the easement as necessary for service or emergencies without responsibility for the replacement or repair of any improvements or landscaping within the easement.*

REFUSE:

37. *The developer shall construct at least 1 refuse enclosures for each phase of development.*
38. *Refuse enclosures shall be constructed to City standards.*
39. *Enclosures must:*
- a. Provide adequate truck turning/backing movements for a design vehicle of turning radius R (minimum) = 45 feet vehicle length of L = 40 feet.*
- b. Be positioned to facilitate collection without "backtracking."*
- c. Be easily accessible by a simple route.*

- d. *Not require backing more than 35 feet.*
- e. *Not be located on dead-end parking aisles.*
- f. *Enclosures serviced on one side of a drive must be positioned at a 30-degree angle to the centerline of the drive.*

OTHER:

- 40. *Compliance with geotechnical recommendations and mitigation of unsuitable soils to meet soil bearing capacity requirements of the ICC based on the proposed design. Mitigation efforts shall meet air quality requirements for dust control and minimize noise, vibration and visual impact to the adjacent properties.*
- 41. *Provide verification that each site plan conforms to the surface fault study.*
- 42. *Provide areas for snow storage, as approved by public works department.*
- 43. *Install Street lights along roadway.*
- 44. *Submission of construction plans that meets all applicable standards.*
- 45. *Each subsequent phase must submit a construction plan set and site plan.*
- 46. *Each subsequent phase must have its own SWPPP, erosion control plan and notice of intent (NOI).*
- 47. *Each subsequent phase must submit a construction cost estimate breakdown and bond for public improvements.*
- 48. *Construction mitigation plan for construction. Prior to commencement of construction, a written construction mitigation plan addressing the following elements must be approved by the director or his designee. The construction mitigation plan shall address the following elements: (Please note: all elements may not apply to each individual project. There may also be additional elements, unique to the project that involves public health and safety issues).*
 - a. *Hours of operation. The hours of operation are 7:30AM to 6:00 PM, Monday thru Saturday, and 9:00AM to 6:00 PM on Sunday. Upon a clear and convincing showing by the applicant that a waiver to the hours of operation is necessary and will not jeopardize the public health, safety or welfare, the director may modify hours of operation through the building permit. Exclusively indoor construction beyond the hours of operation listed above in this subsection shall be exempt from such hours of operation unless the director determines that such extended hours will adversely impact the surrounding neighborhood.*

- b. *Parking. Construction vehicle parking shall be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks. Within paid and permit only areas, an approved parking plan must be obtained from the Public Works Department.*
- c. *Deliveries. Deliveries of all materials and supplies may be regulated as to time (hours of operation) and routing.*
- d. *Stockpiling & staging. In order to reduce the number of delivery trips to construction sites, the stockpiling of materials on site may be required.*
- e. *Construction phasing. Due to narrow streets, topography, small lot configuration, traffic circulation, weather, construction parking and material staging problems, some projects may be required to be phased. In cases where phasing is deemed necessary, the first project to receive a building permit shall have priority, however, the building official shall have authority to phase projects as necessary to assure efficient, timely and safe construction.*
- f. *Trash management and recycling of materials. Construction sites shall provide adequate storage and a program for trash removal. Construction material recycling bins are encouraged on sites with adequate room for separation of materials.*
- g. *Control of dust & mud. A program for the control dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud on streets and it will be required to remove any such mud daily. Placing gravel in the egress and ingress areas to a job site is one method to control mud and dust problems.*
- h. *Noise. Any noise above 65 decibels violates the noise ordinance, as well as any excessive or unusually loud noise that is plainly audible beyond the property line or outside the hours of operation.*
- i. *Grading and excavation. Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations. Destination and total cubic yards of dirt shall be addressed. Any excavation six feet (1.8 m) or more in depth shall be protected from falling hazards by guardrail roofs, systems, fences, or barricades.*
- j. *Temporary lighting. An approved temporary lighting plan must be obtained from the Planning Department if any exterior temporary lighting is necessary for construction.*

- k. Construction sign. A sign shall be posted in a location where the sign is readable from the street or driveway. The sign shall not exceed 12 square feet in size and six feet in height. The lettering shall not exceed four inches in height. Information on the sign shall include:*
 - i. Name, address and phone number of the contractor*
 - ii. Name, address and phone number of the person responsible for the project*
 - iii. Name and phone number of the party to call in case of an emergency*

- 49. Staff will have the Architectural Review Commission certify design compliance for any new construction before building permits are issued.*

The motion was seconded by Commissioner Bolyard.

Commissioner Lapin moved to add a condition regarding installation of park strip trees and landscaping to the entrance to provide screening from adjacent homes.

Commissioner Paxton stated that he would not accept this addition as a friendly amendment, as there is no reason to impose a costly requirement knowing that it will most likely be damaged by additional construction. Providing said landscaping will not provide a buffer or mitigate the height of the building bordering Wasatch Boulevard.

Chair Walker stated that the motion as originally put forward will stand.

Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Aye, Dennis Peters-Aye, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously.

3.4 Approval of February 5, 2014 and February 19, 2014 Minutes

Motion: Commissioner Janke moved to approve the minutes of February 5, 2014. Commissioner Jones seconded the motion. Vote on motion: Jeremy Lapin-Abstain, Janet Janke-Aye, Paxton Guymon-Abstain, Perry Bolyard-Abstain, Dennis Peters-Abstain, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously with four abstentions.

Motion: Commissioner Guymon moved to approve the minutes of February 19, 2014. Commissioner Janke seconded the motion. Vote on motion: Jeremy Lapin-Aye, Janet Janke-Aye, Paxton Guymon-Aye, Perry Bolyard-Abstain, Dennis Peters-Abstain, James Jones-Aye, Chair Gordon Walker-Aye. The motion passed unanimously with two abstentions.

Mr. Berndt reported that Commission Lindsay Holt-Tofte has resigned from the Commission and extended his gratitude and thanks for her service.

5.0 ADJOURNMENT

Motion: Commissioner Bolyard moved to adjourn. The motion was seconded by Commissioner Lapin and passed unanimously on a voice vote.

The Planning Commission meeting adjourned at 6:45 p.m.

Minutes Approved: 04/02/2014